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1946

File No. Firewood Trade II/46.

Legal Department

B **BRANCH**

Subject:—

Rules and Notifications under the Bombay Firewood Trade Licensing Order, 1944.

9.6.47

File No. Firewood Trade II/46.

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Office of the R.L.A.

It appears that the proposal is to renew licenses under clause 9 of the Bombay Charocal Trade Licensing Order, 1944 and clause 10 of the Bombay Firewood Trade Licensing Order, 1944 by prescribing in the columns provided therein the date of renewal, the date of the expiry of the renewed license and the signature of the licensing authority. To give effect to this proposal it would be necessary first to amend the relevant caluse of the Orders relating to renewal of licenses. The two draft Orders sent her with to provide accordingly.

2. It appears that the intention is to renew the licenses under the proposed endorsement with effect from the year 1947-48 and not from the year 1946-47. If that is so, it will be necessary to amend the two Orders as proposed with effect from a date subsequent to the date on which the present licenses are renewed in accordance with the existing practice and not immediately as proposed by the Finance Department (Supply) since under caluses 9 and 10 of the two principal Orders which it is necessary to amend for the purpose it will be obligatory to make use of the endorsement in respect of the year 1946-47 if the the amendments are issued immediately. However there will be no objection to getting the proposed endorsement printed in the meantime on the new license forms which will be issued next year.

3. From the note of the Additional Director of Civil Supplies at pages 37-38 ante it appears that the intention is not to charge fees to license holders for the renewal endorsement. If this decision stands it will be also necessary to amend the clauses of the principal Orders relating to fees for renewal of licenses by the omission of the words "and accompanied by such fees."

Sd/- F.N.M
22/246

o.c.

Remembrancer of Legal Affairs.

U.R. to F.D. (Supply), No. 1521, dated the 23rd February 1946
Mjr/12/6

Office of the R.L.A.

The draft Order at pages 17-18 ante as slightly amended is in order. As the amendment effected by Government Order No. 455/IV-D dated 3-4-1945 has merged into the principal Order, namely the Bombay Firewood Trade Licensing Order, 1944, it is not necessary to supersede the amending Government Order referred to.

2. Since it is considered necessary to re-issue new clause 13 of the principal Order as proposed at pages 17-18 ante it would be desirable to re-issue the original notification No 455/IV-D (g) dated 8-11-1944 as subsequently amended. As the notification will be issued in pursuance of caluse 13 of the principal Order it will be a subsidiary Order and as such it will not be necessary, as pointed out by the Government of India in their letter No. 5 DC(13), 45 dated 6-11-1945 (copies of which have been recently circulated to all departments by the H.D.), to publish it in accordance with the provisions of rule 119 of the Defence of India Rules

Sd/- P.N.Moos

12/3/46

o.c.

Remembrancer of Legal Affairs.

U.R. to F.D. (Supply). No. ~~2041~~ 2041, dated 13-3-1946.

Mjr/12/3

4 Cs.

Office of the R.L.A.

Under caluse 20 of the Bombay Firewood Trade Licensing Order, 1944, pow r has been given to the Provincial Government by a special or general order to exempt any person or calss of persons from all or any of the provisions of that Order. Under this caluse it will be o pen to the Provincial Govern ent to issue an order exempting any person or class of persons in the Ahm dabad District or any part thereof from the provisions of caluse 16(2) of the order, but no recourse can behad to that clause (clause 20) for exemptin all the persons residing in that District or part thereof from the operation of caluse 16(2) . To achieve the object in view it would be necessary to amend the order.

Sd/- P.N.Moos
o.c. 26/3/46
Remembrancer f Legal Affairs.

U.R. to F.D. (S). No. 2312, dated the 27th March 1946.

Mjr/12/6
4 Cs.

Office of the R.L.A.

Under sub-clause (iii) of caluse 1 of the Bombay Firewood Trade Licensing Order, 1944 , the Order comes into force in any local area on such date as the Provincial Governmnt by notification in the Official Gazette appoints. After the Order has come into force in any local area under that sub-clause, it would not be proper to make a provision for exempting a part of such local area from the operation of the Order. To achieve the object in view it would be sufficient if a provision is made in clause 20 for exempting the public generally throughout the local area in which the Order has come into force or a part thereof. Clause 20 may, therefore, be amended so as to read as follows:-

" The Provincial Government may bespecial or general order exempt any person or class of persons or the public generally either throughout any local area or part thereof from all or any of the provisions of this Order."

Sd/- P.N.Moos
o.c. 11/4/46
Remembrancer of Legal Affairs.

U.R. to C.S.D., No. 2761, dated the 11th April 1946

Office of the R.L.A.

Draft notifications at pages 79-81 ante as amended are in order.

2. In the ircumstances stated in the Civil Supplies Department note at page 77 ante Government Notifications at pages 73 and 75 are invalid and are of no effect . Instead of supers-eding them may be separately cancelled. -
A draft notification for the purpose is sent herewith. -
The draft notifications are of the nature of subsidiary orders and therefor it is not necessary to publish them with reference to rule 119(1) of the Defence of India Rules.

Sd/- P.N.[illegible]os

o.c. 18/4/46

Remembrancer of Legal Affairs.

U.R. to ..S.D., No. 2961, dated the 20th April 1946.

Mjr/12/8

4 Cs.

Office of the R.L.A.

The draft Order as amended is in order

Since it is proposed to fix the Maximum selling price of firewood at the site of produce only, this can be done by issue of a general notification under clause 12 of the Order. It is not necessary to mention therein the class of persons to whom the firewood is to be sold since these classes are mentioned in condition 2 of licence form 'H'. The Civil Supplies Department should verify whether its intention is carried out by the amended draft Order.

Sd/- P.N...oos

o.c. 19/7/46

Remembrancer of Legal Affairs.

U.R. to C.S.D. No. 5164, dated the 22nd July 1946

Mjr/12/7

4 Cs.